

## **REMARKS**

Applicant respectfully submits the claims as currently set forth are not taught or suggested by the prior art. In order to more clearly distinguish the present invention, the independent claims have been amended to clearly set forth that the remote ordering system includes a display device and data entry means for ordering custom official postal stamps and there has also been a change that the information provided from the authorizing system to the remote order system is displayed on the display device and allows customized ordering official postal stamp. Thus, it can be seen that information is being provided from the authorizing system to be utilized by the user at the remote ordering system and for allowing customization at the at least one remote ordering system.

With regard to the USPS cited reference, Applicant respectfully submits that this reference is of little relevance to the present invention. The USPS reference merely illustrates a “mode” of purchasing and/or selling of stamps over the Internet. There is no teaching or suggestion of customizing the images or providing of information to the user for allowing display and/or customization of images used in an affixed postal product at the remote ordering system. Applicant respectfully submits that the USPS reference discloses nothing more than a method of purchasing/selling stamps over a communication network.

With regard to the Stephens reference, the photographer therein is a part of the issuing authority that reviews whether or not images are appropriate for incorporation into an official postal stamp. Further, the Stephens reference does not teach that the image is a part of the official postal stamp as taught and claimed by Applicant. Quite the contrary, as set forth in the third paragraph of the Stephens article, “Collectors...were able to buy blocks of 10 domestic letter rate 45¢...printed with their photo alongside”. The Stephens article teaches the providing of a tab adjacent the official postal stamp (i.e. personalized tab). See 6<sup>th</sup> paragraph of the first page. As set forth in the following paragraph, the photo tabs must at all times remain affixed to the 45¢ stamp to be postal valid. Thus, it is clear that the Stephens article does not teach the providing of customized images an integral part of the postal stamp, but a separate tab. Further as set forth on the second page of Stephens, collectors or dealers had to wait in line in order to obtain these prints. The article also read “A humorous notation was made in

instructions that were handed to each potential stamp subject, after advising them that they took 'no responsibility for any person's personal presentation'...The notation read: 'Anyone deliberately making inappropriate gestures during photography will automatically forfeit their order and a refund will not be provided'''. The images were captured and then processed through a customized software and printed on site. Clearly this does not teach or suggest ordering over a communication network as taught and claimed by Applicant. As the article implies, Applicant respectfully submits it teaches away from combining with the USPS. The USPS is simply directed to ordering existing stamps over a communication network whereas the Stephens article clearly teaches providing custom images on a tab adjacent a stamp which must be reviewed by the photographer taking the picture who is a part of the providing process.

With regard to the Brackney reference, this reference does not teach or suggest ordering of custom images over a communication network but discloses the submission of a personal image for incorporation as a standard official postal stamp. Clearly there is no teaching or suggestion of providing a communication over a communication network and providing information for use at the remote location for ordering custom stamps as taught and claimed by Applicant. Further, there is no ordering of custom stamps as claimed by Applicant.

The Brackney reference merely provides information as to the guidelines for an official postal stamp. There is no teaching or instructions for the customization and ordering of custom stamps as taught and claimed by Applicant. In particular, see page 11, lines 1-10 for the type of instructions that are provided to the user for use in ordering images. While Applicant's invention also provides the ability to see the guidelines appropriate for stamps, the instructions provided by Applicant allows the user to do more than view guidelines but the ability to customize and order custom postal products which is clearly not taught or suggested by Brackney.

With respect to rejections under 35 USC § 103(a), it is incumbent upon the Examiner establishing a factual basis to support the legal conclusion of obviousness. In doing so, the Examiner is expected to make a factual determination as set forth in *Graham v. John Deere Co.*, 383 US 1, 17, 148 USPQ 459, 467 (1966) and to provide the reason why one having ordinary skill in the

pertinent art would have been led to modify the prior art to combine the prior art reference to arrive at the claimed invention. Such reason must stem from teaching, suggestion, or implication in the prior art as a whole or knowledge generally available to one having ordinary skill in the art. These showings by the examiner are an essential part of complying with the burden of presenting prima facie case of obviousness. Further, as set forth by the CAFC in *In re Lee* 277 Fed 3<sup>rd</sup> 1338 (61 USPQ 2<sup>nd</sup> 1430) 2002

“factual inquiry whether to combine references must be thorough and searching, based on objective evidence of record ... teachings of references can be combined only if there is some suggestion or incentive to do so ... only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.”

Applicant respectfully submits there is no teaching or suggestion to modifying the four references as suggested by the Examiner to arrive at Applicant's invention. While it is almost always possible to piecemeal individual elements from the prior art to arrive at Applicant's invention, there must be some teaching, suggestion, or motivation to do so. The USPS reference is directed simply to the ordering of stamps. There is no teaching of customizing of personal images or providing of instructions for customizing of stamps as taught and claimed by Applicant. The Brackney reference is directed to a contest for submission of images that may be incorporated into an official US Postal stamp for normal sale. There is no teaching or suggestion as to why one would combine Brackney with the USPS reference. The Stephens reference is directed to the placement of a personal image on a tab adjacent an official stamp. There is no teaching or suggestion of providing on-line services or providing instructions to a remote location as taught and claimed by Applicant. Further, as previously discussed, the Stephens reference teaches away from the on-line service as they teach the requiring of some review by the professional photographer to determine whether or not images should be incorporated on the tab. Thus, it can be seen there is no motivation or suggestion to combine the references as discussed and as also elaborated in Applicant's previous response.

The last reference to Brasington et al. is simply directed to a vending machine where there is clearly no teaching or suggestion of an on-line service of obtaining instructions or the ability to review and authorize use of

personal images on postal stamps. Brasington reference is designed to be an individual stand alone device and thus there would be no motivation to combine this with any of the other references. Brasington reference is simply directed to means of purchasing custom images at a vending machine.

In view of the foregoing it is respectfully submitted that the claims in their present form are in condition for allowance and such action is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Pincelli", written over a horizontal line.

Attorney for Applicant(s)  
Registration No. 27,370

Frank Pincelli/phw  
Rochester, NY 14650  
Telephone: 585-588-2728  
Facsimile: 585-477-4646

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.